

RE: PETITION FOR RECLASSIFICATION
from an "R-6" Zone to a "B-L" Zone,
and VARIANCE to Section 232.2 of
the Zoning Regulations
W/S Moller Avenue, 289.89'
from Frederick Road
First District
Sarah M. Peddicord, et al
Petitioners

BEFORE #5735RV
COUNTY BOARD OF APPEALS
OF
BALTIMORE COUNTY
No. 5735-RV
SEC. 2-A
BL-VA

OPINION

The petitioner seeks a reclassification from an "R-6" Zone to a "B-L" Zone with a variance to Section 232.2 of the Zoning Regulations, on the west side of Moller Avenue, 289.89 feet from Frederick Road in the First Election District of Baltimore County.

The Board finds, through personal inspection and testimony proffered by the petitioner, that the subject property is located in a neighborhood that has experienced many changes, the impact of which has left the subject property in a "no man's land" of existing business properties.

The subject property under consideration is located in an area which is dominated by business enterprises located the entire length of Moller Avenue on its easterly side, and also to the north of this property on the western side, making its present classification incongruous. The Board feels that the use of the property as requested would serve to round out the area by putting it in a classification which is more in keeping with the neighborhood.

ORDER

For the reasons set forth in the foregoing Opinion, it is this 14th day of July, 1963 by the County Board of Appeals, ORDERED that the reclassification and variance petitioned for, be and the same is hereby granted.

Any appeal from this decision must be in accordance with Chapter 1100, subtitle B of Maryland Rules of Procedure, 1961 edition.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

CHAIRMAN

Robert J. Romadka

Robert J. Romadka

Robert J. Romadka

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Robert J. Romadka

ROBERT J. ROMADKA
ATTORNEY AT LAW
809 EASTERN BOULEVARD
ESSEX, MARYLAND
MURDOCK 6-8274



January 30, 1963

Mr. John G. Rose
Zoning Commissioner
County Office Building
Towson 4, Maryland

Re: Petition for Reclassification from
"R-6" Zone to "B-L" Zone and Variance
to Sec. 232.2 of Zoning Regulations -
W. S. Moller Ave., 289.89' from Frederick
Road, 1st District -
Sarah M. Peddicord, Petitioner -
Frank G. Cimino and Rose A. Cimino,
Petitioners - No. 5735-RV

Dear Mr. Rose:

Please find enclosed herewith check in the amount of \$70.00 to cover costs in filing an Appeal from your Order of January 11, 1963, denying the Petition for Reclassification and Variance in the above captioned case.

Would you please forward all papers and records to the County Board of Appeals for future hearing in this matter.

Thank you.

Very truly yours,

RJR:hr

Encl.

TELEPHONE
VALLEY 3-3009

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 16405

DATE 1/5/63

To: Robert J. Romadka, Esq.,
809 Eastern Ave.,
Baltimore 21, Md.

Office of Planning and Zoning
119 County Office Bldg.,
Towson 4, Md.

QUANTITY	DEPOSIT TO ACCOUNT NO. 01-622	DEBIT	TOTAL AMOUNT
1	Court of appeal in the matter of petition of Sarah M. Peddicord, et al No. 5735-RV	\$70.00	
			70.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 1st Date of Posting: 12-18-62
Posted for: Robert J. Romadka, Esq., Attorney at Law
Petitioner: Sarah M. Peddicord
Location of property: 289.89' from Frederick Road, 1st District
Location of Sign: South side of Frederick Road, 289.89' from Frederick Road
Remarks: See map of property in file No. 5735-RV
Posted by: Robert J. Romadka, Esq., Attorney at Law Date of return: 1-5-63

PETITION FOR ZONING RECLASSIFICATION AND/OR SPECIAL EXCEPTION

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

I, or we, Sarah M. Peddicord, legal owner, of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition (1) that the zoning status of the herein described property be reclassified, pursuant to the Zoning Law of Baltimore County, from an _____ zone to an BL-VA zone; for the following reasons:

Coffee and Sandwich Shop

VARIANCE TO SEC. 232.2 TO PERMIT A SIDE YARD OF 11.1 FEET INSTEAD OF THE REQUIRED 12.0'

Variance to Sect. 232.2 to permit a side yard of 11.1 feet instead of the required 12.0 feet
See Attached Description
and (2) for a Special Exception, under the said Zoning Law and Zoning Regulations of Baltimore County, to use the herein described property, for _____

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above reclassification and/or Special Exception advertising, posting, etc. upon filing of this petition, and further agree to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Frank G. Cimino
Rose A. Cimino
Contract purchaser
Address: 315 B. E. Moller Ave.
Vincent R. Delfino, Esq.
Robert J. Romadka, Esq.
Petitioner's Attorney
823 Frederick Rd., #28
809 Eastern Blvd., #21

ORDERED By The Zoning Commissioner of Baltimore County, this _____ day of _____, 1963, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in a newspaper of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the _____ day of _____, 1963, at 11:00 a.m.

By _____
Zoning Commissioner of Baltimore County

Description of that certain parcel
of land located on the westerly side of Moller Avenue
being distant 289.89 feet southerly from the southerly
side of Frederick Road, known as 28 Moller Avenue,
District 1, Baltimore County, Maryland.

Beginning for the same at an iron pipe set in the
westerly 1/4 of Moller Avenue (50 feet wide) said beginning being south
16° east 89.89 feet from the intersection formed by the southerly side
of Frederick Road and the westerly side of Moller Avenue, thence binding
on the westerly side of Moller Avenue south 16° east 110 feet to an iron
pipe set on the northernmost line of a lot formerly owned by William Green
well and recorded among the land records of Baltimore County in Liber W.F.C.
553 folio 67, thence binding on the northernmost line of said lot south
74° 55' 12" west 156.06 feet to the northwest corner of the Greenwell lot,
thence leaving said lot and binding on part of the third line of the second
parcel, and all of the third lines of the first and third parcels described
in a deed from Walter H. Varsden to Jay D. Peddicord, recorded among the
land records of Baltimore County in Liber W.F.C. 1290 folio 206 in all
north 16° west 110 feet to an iron pipe hereinafter set at the southwesterly
corner of Charles Dolle lot, recorded among the Land Records of Baltimore
County in Liber W.F.C. 1296 folio 166, thence binding on the southerly
line of Dolle's lot and the northerly line of the thirty described parcel
of the aforementioned conveyance from Varsden to Peddicord north 74° 55' 12"
east 156.06 feet to the place of beginning.

Known as number 34 Moller Avenue.

Being part of those three parcels of land described
in a deed from Walter H. Varsden to Jay D. Peddicord and recorded among the
Land Records of Baltimore County in Liber W.F.C. 1290 folio 206.



Charles W. Hemler
Chas. W. Hemler

Pursuant to the advertisement, posting of property, and public hearing on the above petition and it appearing that by reason of _____

the above Reclassification should be had; and it further appearing that by reason of _____

a Special Exception for a _____ should be granted.
IT IS ORDERED by the Zoning Commissioner of Baltimore County this _____ day of _____, 1963, that the herein described property or area should be and the same is hereby reclassified, from a _____ zone to a _____ zone, and/or a Special Exception for a _____ should be and the same is granted, from and after the date of this order.

Zoning Commissioner of Baltimore County

Pursuant to the advertisement, posting of property and public hearing on the above petition and it appearing that _____, insufficient change in the character of the neighborhood to warrant a change in zoning,

the above reclassification should NOT BE HAD, and the Special Exception should NOT BE GRANTED. The variance to Section 232.2 of the Zoning Regulations is denied.

IT IS ORDERED by the Zoning Commissioner of Baltimore County, this 11th day of January, 1963, that the above reclassification be and the same is hereby DENIED and that the above described property or area be and the same is hereby continued as and to remain an _____ zone; and the Special Exception be and the same is hereby DENIED. The Variance to Sec. 232.2 of the Regulations be and the same is hereby DENIED.

Zoning Commissioner of Baltimore County

MICROFILMED

TELEPHONE
VALLEY 3-3000

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 14259

DATE 11/2/62

To: Robert J. Romadka, Esq.,
809 Eastern Avenue,
Baltimore 21, Md.

Office of Planning and Zoning
119 County Office Bldg.,
Towson 4, Md.

QUANTITY	DEPOSIT TO ACCOUNT NO. 01-622	DEBIT	TOTAL AMOUNT
1	Petition for property of Sarah M. Peddicord No. 5735-RV	\$50.00	
			50.00

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

INVOICE
BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE
Division of Collection and Receipts
COURT HOUSE
TOWSON 4, MARYLAND

No. 15429

DATE 1/9/63

To: Frank G. Cimino
Rose A. Cimino

Zoning Dept of
Baltimore County

QUANTITY	DEPOSIT TO ACCOUNT NO. 01-622	DEBIT	TOTAL AMOUNT
1	Advertising and Posting of property	60.77	
			60.77

IMPORTANT: MAKE CHECKS PAYABLE TO BALTIMORE COUNTY, MARYLAND
MAIL TO DIVISION OF COLLECTION & RECEIPTS, COURT HOUSE, TOWSON 4, MARYLAND
PLEASE RETURN UPPER SECTION OF THIS BILL WITH YOUR REMITTANCE.

PETITION FOR
RECLASSIFICATION AND
VARIANCE
1st District

ZONING: From R-6 to B-L
Zone. Petition for a Variance
to permit a side yard of 11.1
feet instead of the required
12.0 feet.

LOCATION: West side of
Mellor Avenue 259.59 feet
from the South side of Freder-
ick Road.

DATE & TIME: WEDNESDAY,
JANUARY 9, 1963 at 11:00
A.M.

PUBLIC HEARING: Room
108, County Office Building,
111 W. Chesapeake Avenue,
Towson, Maryland.

The Zoning Regulation to be
excepted as follows: Section
232.2 - (b) - Side Yards

The Zoning Commissioner of
Baltimore County, by author-
ity of the Zoning Act and Re-
gulations of Baltimore County,
will hold a public hearing:

Concerning all that parcel of
land in the First District of
Baltimore County,

Beginning for the same at
an iron pipe set in the wester-
ly line of Mellor Avenue (50
feet wide) said beginning
being south 16 degrees east
289.59 feet from the inter-
section formed by the south-
erly side of Frederick Road
and the westerly side of Mel-
lor Avenue, thence binding on
the westerly side of Mellor
Avenue south 16 degrees
east 110 feet to an iron pipe
set on the northernmost line
of a lot formerly owned by
William Greenwell and record-
ed among the Land Records
of Baltimore County in Liber
W.P.C. 553 folio 67, thence
binding on the northernmost
line of said lot south 74 de-
grees 55' 12" west 156.66
feet to the northwest corner
of the Greenwell lot, thence
leaving said lot and binding
on part of the third line of
the second parcel, and all
of the third lines of the first
and third parcels described
in a deed from Walter H. Mars-
den to Guy D. Peddicord, re-
corded among the Land
Records of Baltimore County
in Liber R.J.S. 1290 folio
206 in all north 16 degrees
west 110 feet to an iron pipe
heretofore set at the south-
westerly corner of Charles
Dolle lot, recorded among the
Land Records of Baltimore
County in Liber C.W.B. Jr.
1006 folio 466, thence bind-
ing on the southerly line of
Dolle's lot and the northerly
line of the thirdly described
parcel of the aforementioned
conveyance from Marsden to
Peddicord north 74 degrees
55' 12" east 156.66 feet to
the place of beginning.
Known as number 34 Mellor
Avenue.

Being part of those three
parcels of land described in
a deed from Walter H. Mars-
den to Guy D. Peddicord and
recorded among the Land Re-
cords of Baltimore County in
Liber R.J.S. 1290 folio 206.

Being the property of Sarah
M. Peddicord, as shown on
plat plan filed with the Zon-
ing Department.

By Order Of
John G. Rose
Zoning Commissioner Of
Baltimore County

CERTIFICATE OF PUBLICATION

BALTIMORE COUNTY, MD., December 26, 1962.

THIS IS TO CERTIFY, That the annexed advertisement was
published in THE TIMES, a weekly newspaper printed and pub-
lished in Baltimore County, Md., once in each of one
successive weeks before the 21st
day of December, 1962, the first publication
appearing on the 20th day of December
1962.

THE TIMES,

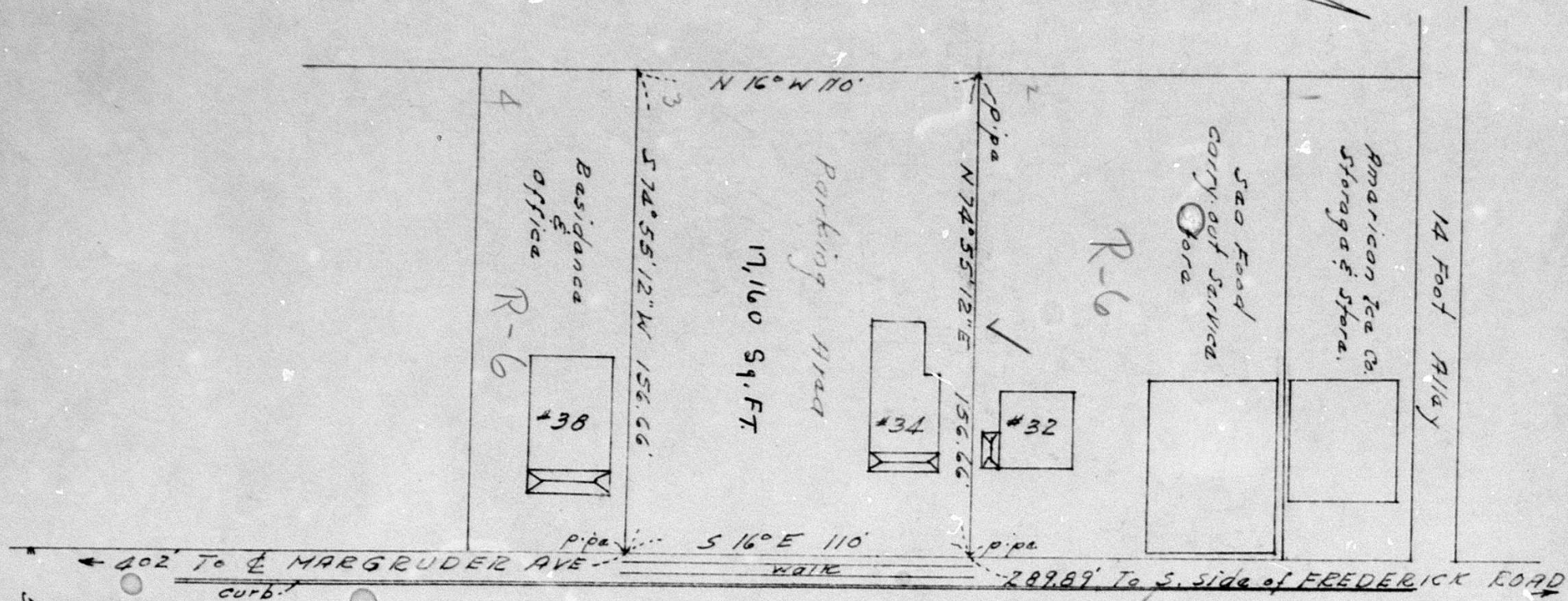
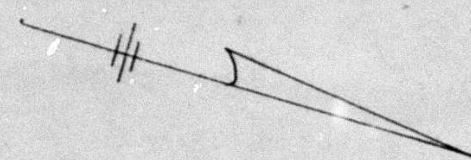
John M. Martin
Manager.

John M. Martin

Cost of Advertisement, \$25.00
Purchasing Order- S2463
Requisition No. M5182

MICROFILMED

R-6



MELLOR

AVENUE

#5735 RV

MAP

#1-SEC. 2-A

BL-VN

Parking Area

#34 MELLOR AVE

DIST. 1, BALTO. CO. MD.

SCALE 1"=50' SEPT. 29, 1962.

CHAS. W. HEMLER.

Storage Shed

C & P
TELEPHONE CO.
(Garage)

